

# PATENT COOPERATION TREATY

TRANSLATION

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **29.09.2004**

Applicant's or agent's file reference

**PCT 122**

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/ES2004/000272**

International filing date (day/month/year)

**14.06.2004**

Priority date (day/month/year)

**05.01.2004**

International Patent Classification (IPC) or both national classification and IPC

**G06K19/08**

Applicant

**HURBILTZEN CONTACTLESS, S.L.**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ES

Authorized officer

Facsimile No.

Telephone No.

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INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/ES2004/000272

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language  
\_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	<u>1-4</u>	YES
	Claims	_____	NO
Inventive step (IS)	Claims	_____	YES
	Claims	<u>1-4</u>	NO
Industrial applicability (IA)	Claims	<u>1-4</u>	YES
	Claims	_____	NO

a

**2. Citations and explanations:**

Documents taken into consideration:

Doc	Publication or Identification No	Pub. date
D1	US6542444 B1	1 April 2003
D2	US2003155425 A1	21 August 2003
D3	WO0191048 A1	29 November 2001

The invention consists of a digital card with the capacity to store information in CD/DVD format or in a chip incorporated in it.

Document D1 discloses a card in the form of a credit card or the like with the capacity to store information in CD or DVD format, which can be read by standard optical readers and incorporates, in the plastic body of the card, a chip and an antenna for wireless communication between the chip and external devices. It is possible for data stored optically to be encrypted and the chip incorporates the necessary code for accessing them.

Document D2 discloses a card which is the same size as a credit card and which incorporates both a chip (in both contact and contactless formats) and CD/DVD-type storage

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capacity which can be read optically. It also incorporates a magnetic strip.

Document D3 discloses a device for the integrated management of personal data, in which a card contains both a CD memory unit (preferably 20 Mb to 30Mb) and a chip (with microprocessor, memory and antenna) which interacts with the abovementioned memory or with external devices.

For its part, claim 1 of the application under consideration claims protection for a card characterized in that it incorporates a contact or contactless chip, an antenna and a CD/DVD storage unit, and states that it is suitable for use in transport systems for payment and authorization of use even though no technical feature for such a use is specified. Claim 2 is characterized by the capacity for CD/DVD storage and by the type of information (data relating to the transport system). Claim 3 is characterized by the capacity to perform secure transactions in general without technically describing any of the possibilities or details pertaining to this invention. Lastly, claim 4 is characterized by the general incorporation of additional security devices, such as magnetic strip, barcode, information encryption, etc., but without providing technical details on any of them.

Note that in the current prior art it is common to use cards with an incorporated chip to make payments and perform secure transactions, these methods incorporating various security and authentication mechanisms, including

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mutual authentication, certification of transactions or  
the use of the DES algorithm.

Based on the above it is clear that claim 1 is already  
disclosed by any of the three documents D1, D2 or D3. As  
regards claim 2, the capacity for CD storage or the type  
of non-technical data it stores cannot be considered to  
contain technical features, and in fact document D3  
indicates the preferable storage capacity. Claim 3  
consists of the usual way of carrying out any transaction  
performed by means of cards with an incorporated chip.  
Lastly, claim 4 is already disclosed both by document D1  
(encryption of information) and by D3 (existence of  
magnetic strip), leading any person skilled in the art to  
consider incorporating any other type of additional  
security mechanism (e.g. digital fingerprint).

Based on the above it is clear that the application under  
consideration is entirely lacking an inventive step.

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-4	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-4	NO
Industrial applicability (IA)	Claims	1-4	YES
	Claims		NO

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Based on the above it is clear that claim 1 is already disclosed by any of the three documents D1, D2 or D3. As regards claim 2, the capacity for CD storage or the type of non-technical data it stores cannot be considered to contain technical features, and in fact document D3 indicates the preferable storage capacity. Claim 3 consists of the usual way of carrying out any transaction performed by means of cards with an incorporated chip. Lastly, claim 4 is already disclosed both by document D1 (encryption of information) and by D3 (existence of magnetic strip), leading any person skilled in the art to consider incorporating any other type of additional security mechanism (e.g. digital fingerprint).

Based on the above it is clear that the application under consideration is entirely lacking an inventive step.